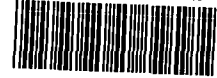


SEP 25 1989

SDMS Document



113370

EXPRESS MAIL--
RETURN RECEIPT REQUESTED

Joseph Carroll and Gustave Dubies
Carroll and Dubies Sewage Disposal Facility, Inc.
P.O. Box 38
Port Jervis, N.Y. 12771

Adolf A. Maruszewski, President
Kolmar Laboratories, Inc.
123 Pike Street
Port Jervis, N.Y. 12771

Richard G. Holder, President
Reynolds Metal Company
6601 Broad Street Road
Richmond, Virginia 23230

Jere D. Marciniak, President
Wickhen Products, Inc.
2200 West Salzburg
Midland, MI 48684-0994

Re: Carroll and Dubies Sewage Disposal Facility Superfund Site
Port Jervis, New York

Dear Sirs:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §9601, et seq. EPA has documented the release of hazardous substances into the environment at a site referred to herein as the "Carroll and Dubies Site" or the "Site", located at Canal Street in Port Jervis, New York. The information currently available to EPA indicates that the hazardous substances disposed of at the Site include benzene, vinyl chloride, dichlorobenzene, chromium, lead, phenol, and zinc. In response to these releases of hazardous substances and the threat of future such releases, EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by EPA pursuant to CERCLA.

Under CERCLA and other laws, responsible parties may be held liable for monies expended by the federal government in taking response actions at and around sites where hazardous substances have been

700033

released, including investigative, planning, removal, remedial, and enforcement actions. Responsible parties may also be subject to orders requiring them to take response actions themselves. Responsible parties under CERCLA include, among others, the current and past owners or operators of the facility from which there has been a release or threatened release of hazardous substances, and persons who arranged for the disposal or treatment of hazardous substances that came to be disposed of at the facility.

By this letter, we notify you that we have reason to believe that the following companies owned and/or operated the Site at the time of the disposal of hazardous substances there or currently own and/or operate the Site, and/or arranged for the disposal of hazardous substances at the Site, and are accordingly potentially responsible parties ("PRPs") under CERCLA:

Carroll and Dubies Sewage Disposal Facility, Inc.
P.O. Box 38
Port Jervis, N.Y. 12771

Kolmar Laboratories, Inc.
123 Pike Street
Port Jervis, N.Y. 12271

Reynolds Metal Company
6601 Broad Street Road
Richmond, Virginia 23230

Wickhen Products, Inc.
2200 West Salzburg
Midland, MI 48684-0994

EPA intends shortly to commence a Remedial Investigation and Feasibility Study ("RI/FS") to determine the nature and extent of the release and threatened release of hazardous substances at and from the Site and evaluate possible remedial actions. Following completion of the RI/FS, EPA will select a remedy for the Site, and will give the PRPs an opportunity to undertake its design and implementation.

In accordance with Section 122(e) of CERCLA, 42 U.S.C. §9622(e), we wish to determine whether you are willing to conduct the RI/FS of the Site in EPA's stead. A workplan that was prepared by EPA is enclosed for your reference. Pursuant to Section 122(e), a moratorium on EPA's commencement of the RI/FS will be in effect for a period of 90 days following receipt of this letter, provided that within the first 60 days of the moratorium, you make a good faith offer for the performance of the RI/FS. If you do not make a good faith offer within the first 60 days, EPA may thereafter proceed

700034

with a federally-funded RI/FS, the costs of which you may be held liable for under Section 107(a) of CERCLA. In the alternative, EPA may issue a unilateral administrative order under Section 106(a) of CERCLA requiring you to conduct the RI/FS. Any agreement by you to conduct the RI/FS must be memorialized in an administrative consent order issued by EPA under CERCLA.

A good faith offer for the RI/FS of the Site includes the following elements:

- 1) A statement of your willingness to conduct the RI/FS in accordance with the enclosed workplan, which was prepared by EPA.
- 2) A demonstration of your technical capability to undertake the RI/FS. In making this demonstration, you should either identify the contractor(s) that you expect will conduct the RI/FS or the process that you will use to select such contractor(s). You should also provide EPA with a summary of the technical and managerial qualifications of the contractor(s) that you intend to retain and of the key individual participants in the RI/FS.
- 3) A demonstration of your capability to finance the RI/FS.
- 4) A statement of your willingness to reimburse EPA for the costs it incurs in overseeing your conduct of the RI/FS, as required by Section 104(a)(1) of CERCLA.
- 5) The name, address and phone number of the individual(s) who will represent the PRPs during negotiations.

Your good faith offer should be sent to Dr. Vinh Cam, New York/Caribbean Compliance Branch, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 747, New York, N.Y. 10278, with a copy to Mr. Henry Guzman, Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency, 26 Federal Plaza, Room 437, New York, N.Y. 10278.

As the foregoing should indicate, it is imperative that any discussions concerning your conduct of the RI/FS begin promptly. You are thus urged to contact EPA as soon as possible, and well before the expiration of the 60-day period referred to above.

Should you wish to discuss this matter, please contact Henry Guzman at (212) 264-5345 or Vinh Cam at (212) 264-1216.

Thank you for your prompt attention to this matter.

Sincerely yours,

Stephen D. Luftig, Director
Emergency and Remedial Response Division

Enclosure

700036

cc: Mr. Louis Cascino (Dept. of Public Works, Orange County)
Mr. Michael J.O'Toole, Jr. (NYS-DEC)
Mr. David Markell, Esq., (NYS-DEC)
Mr. Ralph Manna (NYS-DEC, Region II)
Mr. Albert Klaus (NYS-DEC, Region II)
Mr. Bill Patterson (DOI)
Mr. Frank Csulak (NOAA)

bcc: Henry Guzman
Janet Cappelli ✓
George Wilson
Bill McCabe